Title: CHANGING A SCHEDULER IN A VIRTUAL MACHINE MONITOR

## **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed September 29, 2011. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1, 4-8, 11-14, 24, and 27-31 remain pending as amended above. Claims 2-3, 9-10, and 25-26 have been canceled without prejudice or disclaimer. Claims 15-23 were previously canceled without prejudice or disclaimer.

## 35 USC § 112 Rejection of the Claims

Claims 1-14 and 24-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has amended claims 1, 8, and 24 to replace the last occurrence of "first" with "second" per Examiner's suggestion.

## 35 USC § 103 Rejection of the Claims

Claims 1, 3-8, 10-14, 24 and 26-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chalmer et al. (U.S. Patent No. 7,296,271) in view of AAPA (NPL: "Applicant Admitted Prior Art") and Darlet et al. (U.S. Publication No. 2003/0122871 A1).

Claims 2, 9, 25 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chalmer et al. (U.S. Patent No. 7,296,271) and AAPA (NPL: "Applicant Admitted Prior Art") as applied to claims 1, 8 and 24 and further in view of Knauerhase et al. (U.S. Publication No. 20050198303 A1).

Initially, each of these rejections is respectfully traversed as the cited art, alone or in combination, fails to teach or even suggest the claimed combination of features such as set forth in any of the pending claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claim 1 to in part recite the allowable language of claims 2

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and 3; amended claim 8 to in part recite the allowable language of claims 9 and 10; and amended claim 24 to in part recite the allowable language of claims 25 and 26.

It is respectfully submitted that the cited art, alone or in combination, fails to teach (or even suggest) the claimed combination of features such as set forth in claim 1. Accordingly, claim 1 is believed to be in condition for allowance.

The remaining independent claims recite similar (though not identical) language as claim 1 and have been rejected for similar reasons as claim 1. Hence, these remaining independent claims should be allowable for at least similar reasons as claim 1, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

## **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

**CUSTOMER NUMBER: 50890** 

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/Ramin Aghevli - Reg. No. 43,462/ Date 12/29/2011

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